

EXHIBIT 2

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JUSTIN GUY, individually and on behalf
of those similarly situated,

Case No. 2:20-cv-12734-MAG-EAS

Plaintiff,

v.

Hon. Mark A. Goldsmith

ABSOPURE WATER COMPANY, LLC
a domestic limited liability company,

Defendant.

**DEFENDANT ABSOPURE WATER COMPANY, LLC’S
STATEMENTS OF RELEVANT FACTS**

Defendant Absopure Water Company, LLC (“Defendant” or “Absopure”) provides these statements of relevant facts (“Statements”) pursuant to the Court’s May 19, 2023 Order Regarding Discovery (Dkt. 114) (“Order”). As per the Order, these Statements assert facts that are relevant to the interrogatories served by Defendant on each of the 26 Opt-In Plaintiffs (who, together with original Plaintiff Justin Guy, “Plaintiffs”) on May 1, 2023 and then limited in response to the Court’s direction. (See Defendant’s May 5, 2023 Memorandum in Support of Discovery Requests, pp. 2-4 (Dkt. No. 107)). For the sake of clarity, Defendant has separately numbered each of the Statements since they do not necessarily line up one-on-one with Defendant’s interrogatories.

These Statements are made based on information and writings currently available to, located by, and understood by Defendant upon reasonable investigation. However, given that 1) some information was lost by Defendant in a ransomware attack and Defendant does not yet know whether any or all of that data will be recoverable, 2) the scope of what may constitute “relevant” facts may change based on Plaintiffs’ required statements on June 2, and June 9, 2023 (See Order, ¶ 3) and other subsequent discovery in this matter, Defendant expressly reserves the right to modify, revise, supplement, or amend these Statements as it deems appropriate.

STATEMENTS OF RELEVANT FACTS

DEFENDANT’S INTERROGATORY NOS. 1 AND 3

1. Identify the job titles or positions You held as part of Your employment with Absopure during the Relevant Time Period, including the dates You held such job titles or positions.
3. Identify the date(s) You received a commercial driver's license (“CDL”), if any, and the dates that any such CDLs expired, if any have.

DEFENDANT’S STATEMENTS OF FACT

Statement No. 1. The Plaintiffs in this case have been employed by Defendant in only one or both of two positions: Sales and Service Specialist (“Sales

Specialist”) and “Sales and Service Specialist Trainee” (“Sales Specialist Trainee,” and, together with Sale Specialists, “Specialists”).

Statement No. 2. All Specialists begin their employment with Defendant as Sales Specialist Trainees. Once a Sales Specialist Trainee has a) obtained their commercial driver's license (“CDL”), and b) has been assigned a regular route, he or she then becomes a Sales Specialist. Not all Sales Specialist Trainees stay employed by Defendant long enough to become Sales Specialists.

Statement No. 3. Below is a list of the positions held by Plaintiffs beginning October 8, 2017 and the dates those positions were held and information regarding each Plaintiff’s CDL. Further, attached as Exhibit A is a list of the bates number ranges with Plaintiffs’ driving records that provide CDL information.

Plaintiff	Position(s)	Position Start Date	Position End Date	CDL Received
Aniol, John	Sales Specialist	1/10/2000	3/29/2022	(earlier) 8/10/2015 10/2/2018
Armstead, Aaron	Sales Specialist Trainee	5/14/2018	9/21/2018	none
Armstead, Dwane	Sales Specialist Trainee	6/11/2018	10/4/2018	4/5/2016
Banks, Erick	Sales Specialist Trainee	4/23/2018	8/31/2018	none
Belonga, Lucas	Sales Specialist Trainee	5/2/2022	1/29/2023	1/30/2023
	Sales Specialist	1/30/2023	current	
Brown, Keith	Sales Specialist	12/4/2006	7/1/2020	12/4/2006

Childs, Dannielle	Sales Specialist Trainee	12/5/2019	current	Prior to hiring
Clendennin, Ryan	Sales Specialist Trainee	7/25/2017	7/6/2018	none
Fish, Caleb	Sales Specialist Trainee	4/30/2018	current	Prior to hiring
Justin Guy	Sales Specialist Trainee	9/24/2018	2/4/2020	none
Householder, Boaz	Sales Specialist Trainee	3/7/2022	4/22/2022	none
Jacek, Shawn	Sales Specialist Trainee	10/15/2018	11/27/2018	none
Jackson, Matthew	Sales Specialist Trainee	11/19/2018	2/8/2019	none
Johnson, Gary	Sales Specialist Trainee	1/31/2022	11/14/2022	11/15/2022
	Sales Specialist	11/15/2022	current	
Lammer, Ricardo	Sales Specialist Trainee	4/8/2019	8/11/2019	
	Sales Specialist	8/12/2019	10/3/2019	8/12/2019
Newkirk, Antony	Sales Specialist Trainee	12/20/2021	6/22/2022	none
Okimoto, Paul	Sales Specialist Trainee	9/13/2021	current	none
Pemberton, Terry	Sales Specialist Trainee	2/21/2022	6/24/2022	Prior to hiring
Perry, Charles	Sales Specialist Trainee	7/11/2016	10/5/2018	none
Phipps, Kevin	Sales Specialist Trainee	9/11/2017	8/16/2021	none
Redmer, Nathan	Sales Specialist Trainee	5/23/2022	11/3/2022	none
Rhodes, Ryan	Sales Specialist Trainee	6/20/2022	current	none
Skonieczny, Jesse	Sales Specialist Trainee	9/6/2022	current	none
Sujkowski, David	Sales Specialist Trainee	2/1/2021	3/10/2022	none

Tampa, Jordan	Sales Specialist Trainee	8/26/2019	1/4/2022	none
Winconek, Kyle	Sales Specialist Trainee	1/25/2021	3/27/2022	
	Sales Specialist	3/28/2022	7/6/2022	3/28/2022
Woldt, George	Sales Specialist Trainee	12/19/2022	2/2/2023	none

DEFENDANT'S INTERROGATORYIES NOS. 2, 7 AND 8

2. Identify and describe the job duties and activities for each position You held as part of Your employment with Absopure during the Relevant Time Period.

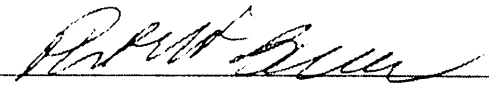
7. Identify each day that You were employed by Absopure during the Relevant Time Period that you performed job duties prior to clocking in by placing Your employee badge next to the time clock and getting a signal from it at the Absopure facility out of which you worked and describe all such job duties that you performed, the amount of time it took you to perform those duties, and the circumstances that led You to performing those job duties prior to clocking in.

8. Describe the job duties You performed while employed by Absopure during the Relevant Time Period a) prior to checking out your truck by confirming the inventory on the truck with the hand-held device before making deliveries , and b) after checking in Your truck on the hand-held device after making deliveries and returning to Absopure's facility, including describing the amount of time it took You to perform each set of such job duties, and including, if applicable, describing the typical job duties you performed and amount of time it took and identifying any substantially greater or lesser number of duties and longer or shorter times it took and the circumstances of and number of occurrences of such longer or shorter times.


JURAT

STATE OF MICHIGAN)
)
COUNTY OF WAYNE)

Patrick Byrne, being first duly sworn, states that he is the Accounting Manager, of Absopure Water Company, LLC, the Defendant in this action. He has read the foregoing Statements of Relevant Facts which were prepared with the assistance of authorized employees and with the assistance of counsel upon which he has relied; and that the answers set forth herein, subject to inadvertent or undiscovered errors, are based on, and therefore necessarily limited by the records and information still in existence, presently recollected and thus far discovered in the course of the preparation of these answers; are as relied on that consequently he reserves the option of making changes in the answers if it appears at any time omissions or errors have been made therein or that more accurate information is available; and that subject to the limitations set forth herein, the said answers are true to the best of his knowledge, information and belief.

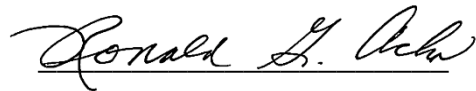


Subscribed and sworn to before me
this ~~26th~~ day of May, 2023


Notary Public, Wayne County, Michigan
My Commission Expires: 4/29/2028

Dated: May 26, 2023

Respectfully Submitted,

A handwritten signature in cursive script, reading "Ronald G. Acho", is positioned above a horizontal line.

Ronald G. Acho, P23913
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